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October 28, 2020

**Via ECF**

The Hon. Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

RE: Jason Gellman v. Port Authority of New York and  
New Jersey, et al.  
Docket No.: 1:20-cv-2360

Dear Judge Cogan:

As Your Honor is aware, this firm represents the Defendants / Third-Party Plaintiffs, the Port Authority of New York and New Jersey (hereinafter “Port Authority”) and Red Hook Container Terminal, LLC (hereinafter, “RHCT”) (collectively, “Defendants / Third-Party Plaintiffs”) in this matter. We write regarding Your Honor’s signed Order to Show Cause dated October 22, 2020. Subsequent to the filing of our Order to Show Cause application, our office obtained plaintiff’s radiology records from New York Presbyterian Brooklyn Methodist Hospital’s Department of Radiology. However, we are still awaiting plaintiff’s billing records from New York Presbyterian. We are also still awaiting Dr. Baharestani’s records in response to our subpoena. Pursuant to and in accordance with Your Honor’s October 22, 2020 Order, our office has already sent a copy of the Order, together with the Declaration and Exhibit supporting our application, out for service upon New York Presbyterian’s Billing Department and Dr. Baharestani, for service to be effectuated by today, October 28, 2020. We have also supplied the process server with the public access information Order for the November 4, 2020 Order to Show Cause Hearing so that such Order may also be served upon the two medical providers by today.

We also write regarding the other still-outstanding records, namely, plaintiff’s employment records from American Maritime Services, plaintiff’s union records from ILA Local 1804, plaintiff’s Longshore and Harbor Workers’ Compensation Act claim file / records / Longshore benefits claim file from Sage Adjusting, LLC and the United States Department of Labor, Office of Workers’ Compensation Programs, Division of Longshore and Harbor Workers’ Compensation, and plaintiff’s tax records from the Internal Revenue Service RAIVS Team. As submitted with our Exhibit accompanying the Order to Show Cause application, we obtained a signed Affidavit of Service confirming service of our subpoena upon ILA Local 1804 on October 6, 2020. To date,

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however, we still have not yet received plaintiff's union records from ILA Local 1804. Our office has also been continuing to follow up on all of the subpoenas in an effort to obtain plaintiff's employment records, longshore / workers' compensation records, and tax records. Out of an abundance of caution and to avoid waiver, we sent subpoenas out for service to all of the above-referenced entities, as such records are critical in order for the Defendants / Third-Party Plaintiffs to fully and properly evaluate plaintiff's allegations in this matter, including plaintiff's allegations as to liability and damages. We also incorporated reference to and the status of such subpoenas in our Order to Show Cause application to be extra safe. As to the plaintiff's employment records, now that Third-Party Defendant, AMS, has appeared in the action and filed an Answer (as of yesterday, October 27, 2020), we may now follow up directly with AMS' counsel for such records. However, as to the other outstanding records, we respectfully request Your Honor's advices as to how Your Honor would like for us to proceed with respect to the obtainment of such records going forward, particularly considering Your Honor's discovery schedule in this matter.

Thank you for your consideration to this matter.

Respectfully submitted,

*s/ Christopher J. DiCicco*

Daniel G. McDermott  
Jay A. Hamad  
Christopher J. DiCicco

cc: **Via ECF**  
All counsel of record